

SUPREME COURT OF MISSISSIPPI

James Michael Strickland v. State of Mississippi

Strickland · No. 2006-KA-01573-SCT · Decided August 31, 2006

SUMMARY

The Mississippi Supreme Court affirmed James Michael Strickland’s conviction and thirty-year sentence as a habitual offender for armed robbery. The court held that Strickland failed to establish a prima facie case of purposeful racial discrimination under Batson based solely on the State’s exercise of seven peremptory strikes against African-American jurors. The opinion also addresses the admissibility of prior felony convictions for impeachment and the refusal of a jury instruction, although the provided text ends before those issues are fully resolved.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Randolph, Justice; Smith, C.J.; Waller, P.J.; Easley, J.; Carlson, J.; Dickinson, J.; Lamar, J.; Diaz, P.J.; Graves, J.
JURISDICTION	Mississippi
DECIDED	August 31, 2006
DOCKET	2006-KA-01573-SCT
DISPOSITION	affirmed
PROCEDURAL POSTURE	Strickland appealed his Lowndes County Circuit Court conviction for armed robbery, his habitual-offender designation, and his thirty-year sentence imposed without parole or probation.
STANDARD OF REVIEW	Batson findings are reviewed for clear error or whether they are against the overwhelming weight of the evidence, with great deference to the trial court. Admission of a prior conviction for impeachment is reviewed for abuse of discretion. Jury-instruction decisions are reviewed by determining whether the requested instruction was legally correct, covered elsewhere, and supported by an evidentiary basis.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	James Michael Strickland v. State of Mississippi

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the circuit court erred by finding that Strickland failed to establish a prima facie case of purposeful racial discrimination in the State's exercise of peremptory challenges.
2. Whether the circuit court properly admitted Strickland's prior Alabama theft conviction for impeachment under Mississippi Rule of Evidence 609.
3. Whether Strickland was entitled to a lesser-included-offense instruction on robbery based on his asserted limited participation in the events.

HOLDINGS

1. The exercise of seven of the State's eleven peremptory challenges against African-American venirepersons, without additional facts or circumstances concerning the venire, empaneled jury, prosecutor's conduct, prosecutorial policies, or nature of the case, was insufficient to establish a prima facie case of purposeful discrimination. The circuit court therefore did not clearly err in denying a Batson hearing.
2. The circuit court did not abuse its discretion by admitting Strickland's 1993 Alabama felony theft conviction to impeach his testimony under Mississippi Rule of Evidence 609(a)(1), after finding on the record that the Peterson factors favored admission and that the conviction's probative value outweighed its prejudicial effect.
3. Strickland was not entitled to the proposed robbery instruction because the evidence showed that he participated in the armed robbery after the firearm was displayed, making him a principal regardless of whether he personally held the weapon.

KEY QUOTATIONS

“The exercise of seven peremptory strikes on African-Americans, standing alone, is insufficient for this Court to infer the fact at issue, i.e., purposeful discrimination.” (§13)

“Participation in an armed robbery is sufficient to make one a principal in the crime regardless of whether that participant was the person holding the weapon.” (§25)

FACTUAL BACKGROUND

Strickland and several companions entered the Penny Ridge Grocery, where Strickland took the clerk's purse after she asked for identification. His companion, Jonathan Burnett, displayed a loaded pistol, struck the clerk, attempted to open the cash register, and left with property from the store after Strickland directed him to take the cash-box portion of the register. Police pursued the group's vehicle, recovered store property, and arrested the

occupants. At trial, Strickland denied intending or assisting an armed robbery and testified that the gun had been unloaded, but the jury convicted him.

PROCEDURAL HISTORY

Strickland was indicted for armed robbery, later arrested after failing to appear, and tried before a jury in August 2006. The jury found him guilty but could not unanimously agree on life imprisonment, so the circuit court imposed a thirty-year sentence under the armed-robbery statute and classified him as a habitual offender under Mississippi Code Annotated section 99-19-81. The circuit court overruled his motion for judgment notwithstanding the verdict or a new trial. The Mississippi Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Batson v. Kentucky, 476 U.S. 79, 85-86, 93-94, 97 (1986)
- Ryals v. State, 794 So. 2d 161, 164, 166 (Miss. 2001)
- Carter v. State, 799 So. 2d 40, 46 (Miss. 2001)
- Stewart v. State, 662 So. 2d 552, 557-58 (Miss. 1995)
- Hatten v. State, 628 So. 2d 294, 298 (Miss. 1993)
- Powers v. Ohio, 499 U.S. 400, 402 (1991)
- Bush v. State, 585 So. 2d 1262, 1267-68 (Miss. 1991)
- Flowers v. State, 947 So. 2d 910, 935-36 (Miss. 2007)
- Sewell v. State, 721 So. 2d 129, 136 (Miss. 1998)
- Chisolm v. State, 529 So. 2d 630, 632-33 (Miss. 1988)
- Walker v. State, 740 So. 2d 873, 880 (Miss. 1999)
- Thorson v. State, 653 So. 2d 876, 895-96 (Miss. 1994)
- Smith v. State, 835 So. 2d 927, 940 (Miss. 2002)
- Tex. Dep't of Cmty. Affairs v. Burdine, 450 U.S. 248, 254 n.7 (1981)
- Peterson v. State, 518 So. 2d 632, 636 (Miss. 1987)
- Henderson v. State, 641 So. 2d 1184, 1186 (Miss. 1994)
- Blackman v. State, 659 So. 2d 583, 585 (Miss. 1995)
- Johnson v. State, 925 So. 2d 86, 93 (Miss. 2006)
- Carter v. State, 754 So. 2d 1207, 1210-11 (Miss. 2000) (Mills, J., dissenting)
- Brengettcy v. State, 794 So. 2d 987, 993 (Miss. 2001)
- Jenkins v. State, 607 So. 2d 1137, 1138 (Miss. 1992)
- Chandler v. State, 946 So. 2d 355, 360-61 (Miss. 2006)
- Ladnier v. State, 878 So. 2d 926, 931 (Miss. 2004)

- Welch v. State, 566 So. 2d 680, 684 (Miss. 1990)
- McGowan v. State, 541 So. 2d 1027, 1028 (Miss. 1989)
- Lee v. State, 469 So. 2d 1225, 1230 (Miss. 1985)
- Craig v. State, 660 So. 2d 1298, 1301 (Miss. 1995)
- Wilson v. State, 639 So. 2d 1326, 1329 (Miss. 1994)
- Harrington v. State, 859 So. 2d 1054, 1057 (Miss. Ct. App. 2003)
- Moore v. State, 493 So. 2d 1295, 1298 (Miss. 1986)
- Smothers v. State, 761 So. 2d 887, 890 (Miss. Ct. App. 2000)

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